



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF APRIL 22, 2004**

CALL TO ORDER: Chairperson Weaver called the meeting to order at 7:05 p.m.

PRESENT: Chairperson Weaver, Vice Chairperson Wieckowski, Commissioners Harrison, Lydon, Natarajan, Sharma

ABSENT: King (excused)

STAFF PRESENT: William Meeker, Planning Director
Larissa Seto, Senior Deputy City Attorney II
Andrew Russell, Associate Civil Engineer
Brad Tarr, Associate Planner
Jonnie Lan, Associate Planner
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Miriam Schalit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of April 8, 2004, were approved with the following correction:

Weaver's absence was excused.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 3 AND 4.

IT WAS MOVED (HARRISON/WIECKOWSKI) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 3 AND 4:

Item 3. WALNUT/MISSION – 38987 Mission Boulevard – (PLN2004-00189) - to consider a Tentative Tract Map, Preliminary Grading Plan and Private Street approval for 25 residential condominium units located at the westerly quadrant of Mission Boulevard and Walnut Avenue in the Central Planning Area. A Mitigated Negative Declaration was previously approved for the General Plan Amendment and Planned District for this project.

CONTINUE TO MAY 13, 2004.

Item 4. MANUFACTURED HOMES ZTA - Citywide - (PLN2004-00202) - to consider a Zoning Text Amendment revising regulations applying to Manufactured and Mobile Homes outside of mobile home parks. This project is exempt from environmental review per Section 15061(b)(3), which applies when the activity has no potential for causing a significant effect on the environment.

HOLD PUBLIC HEARING;

AND
FIND PLN2004-00202 IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15061(B)(3)[REVIEW FOR EXEMPTION];

AND
FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND
FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF THIS ZONING TEXT AMENDMENT (PLN2004-00202) BECAUSE IT ENSURES THE PUBLIC HEALTH, SAFETY AND WELFARE OF COMMUNITIES IN CONFORMANCE WITH STATE LAW;

AND
RECOMMEND PLN2004-00202 TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A" (ZONING TEXT AMENDMENT).

The motion carried by the following vote:

AYES:	6 – Harrison, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 1. **PALO ALTO MEDICAL FOUNDATION BUILDING 2 – 3200 Kearney Street - (PLN2004-00139)** – to consider a Planned District Major Amendment and Environmental Impact Assessment for a new 3-story, 73,600-square foot medical office building with 2 levels of underground parking on 7.41 acres (developed with an existing 2-story, 54,800-square foot medical office building and surface parking) in the Central Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

David Jury, Senior Director, Palo Alto Medical Foundation, stated that the newest building was opened in 1999 and their ten-year growth plan had already been exceeded for that building. He introduced Henry Mahlstedt, architect with Hawley, Peterson & Snyder Architects.

Henry Mahlstedt, architect, gave a brief slide show and had copies passed to the Commissioners of the renderings. The overall site plan showed the existing two-story medical office building with parking, along with the proposed building, outdoor areas, landscaping and areas designated for future buildings. Renderings showing the existing building and all elevations of the proposed Building 2 were shown. Drop-off areas, patient accesses, entrance to underground parking were pointed out. Similar architectural elements between the two buildings would be entrance canopies, metal roofing, glass at the public area, stair/elevator towers and punched openings, which made the two buildings “cousins, but not exactly twins.” A ten-year composite plan was displayed that showed how the current buildings and future buildings would accommodate anticipated growth. Examining rooms would be in the middle of the building, physicians’ offices along Stevenson Boulevard and

public areas at the entrance side of the building with a glass wall that would allow plenty of natural light. He introduced John Wong with SWA Group Landscape Architects.

John Wong, landscape architect, stated that 37 trees would be removed and replaced. Twenty-seven of the trees were small and had recently been planted when Building 1 was constructed. A total of 128 trees would be planted during this project, which would include Crape Myrtle, Magnolia, Pear, with Camphor and shrubs to screen most of the parking. He displayed renderings of the courtyard between Buildings 1 and 2 that showed the walkway extending to the new building entry. A non-irrigated grassland would be hydro seeded. Raised planters would provide seating. The existing berm along Stevenson Boulevard would be retained and replanted with Camphor trees.

Commissioner Natarajan asked where the black glass would be used on the building.

Mr. Mahlstedt replied that black glass was proposed, but spandrel type of glass might be used instead. Black glass had been used on many of the surrounding buildings.

Commissioner Natarajan opined that was precisely why black glass should not be used in this building. She asked if the ground level glass would be transparent or opaque. She asked what the Floor Area Ratio (FAR) would be after the third building was constructed. Where would the pedestrian access from Stevenson Boulevard and from the front parking be located? What was proposed for the public art?

Mr. Mahlstedt said that the ground level glass would be transparent, a solar grey glass, like the existing glass above the lower panel. The proposed FAR was .61 at 70,000 square feet. Currently, one access from the intersection that would connect to the future third building was planned. It would be completely separate from the automobile traffic. Pedestrian walkways from the parking lot would be designated by paint on the pavement. Art glass on the front of the building was being considered. They planned to work with staff to identify the final product.

Commissioner Natarajan asked if the artwork would come back to the Commission for review. Would the applicant consider adding some bright accent colors to the building?

Planning Director Meeker stated that the public art would be brought back to the Commission.

Mr. Mahlstedt agreed to work with staff concerning additional color to the building.

Commissioner Sharma stated that he would like an additional condition to create designated areas with bicycle racks, which could encourage bicycle transportation by the medical center staff and patients, similar to the Stanford campus in Palo Alto.

Mr. Jury stated that they would accept that condition, as the company-wide TDM program was being revised and would include bicycles, car pooling and any public transportation, which would encourage using something other than a single-occupancy vehicle. Fifty percent of the cost of a public transportation ticket was reimbursed. He promised that the next review by the Commission would include bicycle racks.

Vice-Chairperson Wieckowski expressed concerns about how this project met the final concept of the CBD Plan. It required that some kind of walkway improvement consist of something like pavers or blocks rather than paint. When the planned district was approved in 1997, a two-story building comprised of 58,000 square feet was presented to the Planning Commission. A more vertical, larger building was requested and the current plan consisted of a three-story building. Why was there not more density, i.e., twelve stories, given that the location of the medical center was within the CBD?

Mr. Mahlstedt replied that the proposed building would be 73,600 square feet within three stories.

Mr. Jury stated that several needs had to be balanced and this building was what was affordable at this time. Building 3 was expected to be taller, but it would not be twelve stories, because a small "floor plate with a very tall building" did not allow the various departments within the building to function well together.

Vice-Chairperson Wieckowski asked for comments concerning the "green technologies" that would be applied within this building.

Mr. Mahlstedt stated that a meeting was held with all parties, including environmental consultants, to plan how to integrate sustainable concepts and practices into the design and the construction of the building.

Commissioner Natarajan asked if he was proposing that this would be a gold-rated building.

Mr. Mahlstedt laughed, "Absolutely not." However, all that could be reasonably done would be done.

Vice-Chairperson Wieckowski asked if the Zen Garden that he saw when visiting the site was the staff patio mentioned in the report. He asked where the location of the gateway was planned.

Mr. Wong stated that he was correct; the two elements in the staff patio would be preserved and relocated.

Mr. Mahlstedt stated that the location of the gateway element was still under consideration. Yes, the patio would be part of this project.

Vice-Chairperson Wieckowski asked if the new patio between Buildings 2 and 3 would be built as part of this project. How would the landscaping affect the view of the portion of the property that would be undeveloped for the time being and what was planned to "announce" that the downtown area was being entered?

Mr. Wong pointed out the courtyard on top of the garage would be constructed during this phase. The Camphor trees and a hedge would allow a view of the medical center, but not the parking lot. The third building would anchor that corner when it was erected in the future.

Commissioner Harrison stated that he was familiar with the facility and the walkway to the existing building was clearly visible, so he had no concerns about it. He asked what the general area of service for the medical center was. He wondered how realistic it was to expect many people to arrive at the medical center by BART and guessed people might ride in from no further away than Newark but that employees would likely use BART. He applauded the applicant's effort to pay 50 percent of their employees' transportation fees. He asked if the City code required that all parking structures be sprinklered and, as stated in the report, what did the radius within the parking structure that did not meet City code mean. He asked how additional parking would be approached.

Mr. Jury replied that the general Tri-Cities area was serviced by this medical center. He generally agreed that people no further away than Newark were likely to use BART for transportation to the medical center. However, even five people leaving their cars at home would be better than nothing.

Associate Planner Lan stated that parking structures had to be sprinklered.

Associate Civil Engineer Russell said that the City's parking policy had been developed for surface parking standards and drivers using the parking structure would experience tighter turning radiuses, which the applicant and staff agree were adequate. If additional parking was needed, either the City or the applicant could approach the other about it.

Commissioner Harrison asked what a hydro seed mix was. He asked if this project conformed to the Downtown Plan and if the planned lighting would leave the parking lot pitch black after sundown.

Mr. Wong stated that the grass seed would be sprayed with a hydromatic machine.

Planning Director Meeker believed that this project conformed to the Downtown Plan.

Associate Planner Lan stated that this lighting condition was taken from the 1997 staff report and would be exactly what already existed on site.

Planning Director Meeker added that the condition was meant to provide aesthetically pleasing lighting fixtures that provide adequate illumination.

Commissioner Lydon asked if the side of the building facing Stevenson Boulevard was considered the east side.

Mr. Mahlstedt stated that he was correct. True north was about equidistant between north and east.

Commissioner Lydon requested that the site maps be marked to be consistent with the community maps that emergency responders and others used to avoid confusion during an emergency. Paseo Padre Parkway was considered to run north and south while Stevenson Boulevard was considered to run east and west.

Mr. Mahlstedt agreed to adjust those designations.

Chairperson Weaver opened the public hearing.

Mr. Mahlstedt closed with the statement that this project was looked at as a campus and that the buildings should have some similarity among them. The Phase 3 building would be taller and denser than the others.

Chairperson Weaver closed the public hearing.

Commissioner Natarajan noted that the initial study was not included with the Commissioners' packets and the condition numbers were missing on page 9. She asked why the landscaping condition had been included within the construction conditions and why construction was not permitted on Sundays, which was usually mandated within a residential area.

Associate Planner Lan apologized that the initial study was not included. However, it had been written and circulated, per CEQA regulations. Because Liberty Commons was fairly close, it seemed appropriate to not allow construction on Sundays.

Planning Director Meeker agreed that the landscaping condition had been inadvertently included within the construction conditions.

Commissioner Lydon stated that his concerns about emergency access during the construction of the below ground parking and the three stories above ground had been alleviated by staff. However, he preferred that it be spelled out in the conditions.

Vice-Chairperson Wieckowski asked how would the CBD building guidelines be met during the construction of Phase 2. In his opinion, the location of the first building was contrary to the CBD guidelines that were created later. Kearney Street “begged” for something other than the Bank of the West building on the corner.

Planning Director Meeker stated that the entire project and how it was sited had been considered with relation to the CBD standards.

Associate Planner Lan agreed. The landscaping would be “fluffed up” a little bit, based on the landscaping conditions that were not completely met when Building 1 was constructed.

Commissioner Harrison would support this great project that fitted in with the existing buildings and the surrounding area. He encouraged the applicant to continue working with staff concerning the issues brought forward by the Commission, especially, the safety issues, as described by Commissioner Lydon. He hoped the applicant would be coming back sooner than expected for review of the third building that was to be added to the campus.

Commissioner Sharma agreed that it was an excellent project. He reminded the applicant that he would like bike racks to be added somewhere for the convenience of bicycle riders.

Commissioner Natarajan agreed that not much could be done with the two additional buildings, as the site plan had been decided when the original PD was approved. It worked, in this instance, since it was not in the heart of the downtown. The four major streets that surrounded this site made it difficult to work with. She supported the project and made the following suggestions:

- Applicant continue to work with staff to ensure that the Stevenson Boulevard elevation had “some excitement on that façade” that was equal to the other sides
- Public art should be something substantial
- Brighter accent colors should be added to the elevations
- Pavers or something else should be used for the pedestrian walkway
- Building should be as “green” as possible
- Some kind of landscaping or architectural elements should be used to define the edge of the property rather than just a berm, which was a suburban approach
- More creative landscape pallet should be developed

Commissioner Sharma asked if it was possible to install some kind of enhancement at the corner where the parking lot was that would draw attention away from the parking lot.

Planning Director Meeker asked him if he had a specific example.

Commissioner Sharma liked the water feature at Mowry Avenue and Paseo Padre Parkway on the Washington Hospital site.

Planning Director Meeker was willing to work with the applicant, if the applicant was interested.

Chairperson Weaver suggested Commissioner Sharma’s suggestion be considered when the public art portion of the project was ready to be designed.

Associate Planner Lan stated that staff expected to receive direction from the Commission and City Council in the future concerning how to define the downtown gateway, which would bring a focus to that corner.

IT WAS MOVED (WIECKOWSKI/HARRISON) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THE INITIAL STUDY CONDUCTED FOR THE PROJECT HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES. THEREFORE, FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES AND RECOMMEND THE FILING OF A CERTIFICATE OF FEE EXEMPTION FOR THE PROJECT;

AND

RECOMMEND TO THE CITY COUNCIL THAT THEY ADOPT THE DRAFT MITIGATED NEGATIVE DECLARATION FOR THE PROJECT FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FINDING THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE A MITIGATION MONITORING PLAN FOR THE PROJECT;

AND

RECOMMEND TO THE CITY COUNCIL THAT THEY FIND THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED WITHIN THE STAFF REPORT. THE PROJECT CONFORMS TO THE GOALS AND POLICIES AS ENUMERATED IN THE STAFF REPORT AND FINDINGS EXHIBIT ADOPTED/RECOMMENDED HEREWITH;

AND

RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE PLN2004-00139, AS SHOWN ON EXHIBIT "A" AND EXHIBIT "B" AND SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "C"

The motion carried by the following vote:

AYES:	6 – Harrison, Lydon, Natarajan, Sharma, Weaver, Wieckowski
NOES:	0
ABSTAIN:	0
ABSENT:	1– King
RECUSE:	0

- Item 2. FREMONT RETAIL – NE corner, Auto Mall Parkway at Boscell Road (PLN2004-00173) –** to consider a Planned District Major Amendment and Precise Plan for three one-story retail buildings totaling 12,700 square feet on 1.64 acres in the Industrial Planning Area. This project is categorically exempt from environmental review per Section 15332 of CEQA (in-fill development projects).

Gary Hansen, Orchard Retail Group, stated that his company built their own products and did not sell them. Consequently, the long term was considered when choosing a city and a location within a city. The entrance driveway would be moved further north on Boscell Road than was originally planned. The project would be located directly across the street from Costco. Without breaking ground on this project, all spaces were already leased to tenants of quality. He showed photos of projects in Campbell and Los Gatos, similar to what would be constructed in the City. Each of the three buildings would have a cupola and would be

cosmopolitan looking. Each space would look like a separate building through the use of color, varied rooflines and other architectural elements, some would have a two-story look. Cloth canopies would be used on all sides of the buildings. A mini park would be created within an internal parking area. He thanked staff for the time taken to make this project successful.

Bill Hagman, Principal of The Hagman Group architectural firm, introduced the project architect. All three buildings would be brought to the street with wide sidewalks and trees on the parking lot side that would provide a pedestrian link to all three buildings. The concrete paving would have integral color and score lines and would be pedestrian friendly, along with the public "center piece." A variety of fascias would break up the buildings and emphasize each individual retail space. He questioned the need for two additional fire hydrants.

Chairperson Weaver explained that Commissioner Lydon was the City's former Fire Chief.

Commissioner Lydon explained that the City's stringent sprinkler ordinance might allow his request to be considered.

Commissioner Natarajan noted that this site was located in an industrial area and that the retail component of Pacific Commons had been recently approved with a more contemporary architecture. She asked if this architecture was appropriate for this location, which was a typical strip model with the tile roofs, stucco and trellises.

Mr. Hagman stated that they were comfortable with this classical style, which had some flat parapets that would fit in with the Auto Mall Parkway area. This kind of architecture was very popular with retail tenants. Very contemporary architecture was not as well received.

Commissioner Harrison asked if the Pacific Commons developer was aware of these plans and had the two developers communicated in any way. When would the tenants be open for business, assuming this project was approved at this meeting?

Mr. Hansen stated that the two projects had been discussed during the ICSC convention in Monterey. In his opinion, the corners would be better enhanced without using an industrial type of architecture. He expected that the businesses would open between December and January, just a little after the expected opening of Pacific Commons.

Vice-Chairperson Wieckowski asked how this style of architecture would integrate with the nearby Shell and Wendy's "Jetsons" style of architecture, as conditioned for the PD.

Mr. Hansen replied that he believed the PD was designed to develop a concept in terms of uses. He used the Wendy's drive-through as an example, which was unusual for a PD. He expected this project would eventually be in closer harmony with future retail than with Wendy's.

Chairperson Weaver opened the public hearing.

Mr. Hansen thanked staff who put in long hours to facilitate the design process and made the process pleasant.

Chairperson Weaver closed the public hearing.

Vice-Chairperson Wieckowski read from the report, written in September 1991, when the PD was approved, that no habitat would be endangered for rare and threatened species.

Associate Planner Tarr replied that he was correct in that the initial assessment was performed in 1991 at the time that this site was envisioned to be part of a larger development.

That had not taken place and the immediate western portion of 1.6 acres was left for this project. In his opinion, the environmental study was still valid, since this property was now "a small island surrounded by pavement."

Vice-Chairperson Wieckowski replied that the Burrowing Owl used abandoned gopher holes for its habitat and he suggested that conditions might be strengthened so that when grading was being performed, it could be done carefully.

Commissioner Natarajan stated that 66 acres at Pacific Common were dedicated to retail and its architecture was much more contemporary than this design. She was not sure that this style of retail development was in a good location when taking the 66 acres into mind. A planned district allowed many creative uses. She wished that a more creative project had been brought before the Commission that with a mix of uses that used an actual second story, rather than the second story being a vertical element. She was not sure that this was the best way to use the land, as she worried about the conversion of existing industrial areas to commercial uses throughout the Bay Area. She agreed that the corner needed to be anchored. She would not support this project, as proposed, at this location.

Commissioner Harrison stated that the City appreciated the comments about working with staff, as most often, the negative was heard.

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (4-2-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

RECOMMEND TO THE CITY COUNCIL THAT IT FIND THE PROJECT HAS BEEN EVALUATED REGARDING THE POTENTIAL TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES, AND THUS QUALIFIES FOR A CERTIFICATE OF FEE EXEMPTION;

AND

FIND THAT PLN2004-00173 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND LOCAL ECONOMY CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THAT PLN2004-00173, AS PER EXHIBITS "A" THROUGH "C" FULFILL THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE.

AND

RECOMMEND TO THE CITY COUNCIL THE PRECISE SITE PLAN FOR PLN2004-00173 AS SHOWN ON EXHIBITS "A" THROUGH "C" (PRECISE SITE PLAN, ELEVATIONS, PRELIMINARY LANDSCAPE PLAN; LIST OF RECOMMENDED ALLOWABLE ZONING ADMINISTRATOR USES; AND COLOR BOARD) FOR PLN2004-00173 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "D".

The motion carried by the following vote:

AYES:	4 – Harrison, Lydon, Sharma, Weaver
NOES:	2 – Natarajan, Wieckowski
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.

Planning Director Meeker announced that a Measure T study session was scheduled to occur before the May 13th meeting, 6:00 p.m. to 7:00 p.m.

Commissioner Lydon asked if a tape of the Measure T study session would be available for review.

Planning Director Meeker agreed to arrange that a tape be recorded of the study session.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 8:42 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte
Recording Clerk

William Meeker, Secretary
Planning Commission